IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

LIA Z.,
Appellant,

v.

DEPARTMENT OF CHILD SAFETY AND A.Z.,
Appellees.

No. 2 CA-JV 2018-0146
Filed December 4, 2018

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f);
Ariz. R. P. Juv. Ct. 103(G).

Appeal from the Superior Court in Pima County
No. JD20180277
The Honorable Deborah Pratte, Judge Pro Tempore

APPEAL DISMISSED

COUNSEL

Sarah Michèle Martin, Tucson
Counsel for Appellant

Mark Brnovich, Arizona Attorney General
By Cathleen E. Fuller, Assistant Attorney General, Tucson
Counsel for Appellee Department of Child Safety

Pima County Office of Children's Counsel, Tucson
By Sybil Clarke
Counsel for Minor

MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Staring and Judge Brearcliffe concurred.

E C K E R S T R O M, Chief Judge:

¶1 Lia Z. appeals from the juvenile court's order dismissing the dependency petition as to her son, A.Z., born September 2012. Because the order is unsigned and Lia. Z. is not an aggrieved party entitled to appeal the order under A.R.S. § 8-235(A), we dismiss the appeal for lack of jurisdiction.

¶2 In May 2018, the Department of Child Safety (DCS) filed a petition in case number JD20180277 alleging A.Z. was dependent as to his parents, Lia and Richard Z. A.Z. was placed with his paternal grandmother, Lorraine G., and her husband Steven W. In June, Richard filed in case number D20181763 a petition seeking dissolution of his marriage to Lia. In the dissolution action, Lorraine and Steven immediately filed a petition for in loco parentis legal decision-making authority and "primary residential visitation" of A.Z. pursuant to A.R.S. ¶ 25-409(A). In the juvenile action, they filed a motion to consolidate with the dissolution action.

¶3 At the preliminary protective hearing in the juvenile action, the court consolidated the two actions "for hearing purposes only." The court set a mediation hearing "regarding the paternal grandmother's Petition for In Loco Parentis in the dissolution matter and placement in the dependency matter." After that hearing, the parties filed a stipulation pursuant to which A.Z. would be placed with Lorraine and Steven, they would be awarded primary physical care of the child and sole legal decision-making authority, and the dependency proceeding would be dismissed. On July 3, the juvenile court unconsolidated the cases, entered the stipulated orders in the dissolution action, and, in the juvenile proceeding, dismissed the dependency petition upon finding "that a dependency no longer exists." The court did not sign the minute entry despite stating that it constitutes "a final appealable order." Lia then filed a notice of appeal referring only to the July 3 order.

¶4 DCS argues we lack jurisdiction to consider Lia's appeal because Lia is not an aggrieved party for purposes of § 8-235(A) and because the order from which this appeal is taken was not signed by a judge, as required by Rule 104(A), Ariz. R. P. Juv. Ct. Our jurisdiction in juvenile matters is provided by § 8-235(A), which provides that "[a]ny aggrieved party in any juvenile court proceeding under this title may appeal from a final order of the juvenile court to the court of appeals in the manner provided in the Arizona rules of procedure for the juvenile court." "A final order shall be in writing and signed by the judge before an appeal can be taken." Ariz. R. P. Juv. Ct. 104(A). Because the order appealed from has not been signed, it is not final and we lack appellate jurisdiction. *See In re Maricopa Cty. Juv. Actions Nos. J-86384 and JS-2605*, 122 Ariz. 238, 240 (App. 1979).

¶5 Even if the juvenile court had signed the order, however, we nonetheless would lack jurisdiction. We agree with DCS that Lia is not an "aggrieved party" under § 8-235(A). "To qualify as an aggrieved party, the judgment must operate to deny the party some personal or property right or to impose a substantial burden on the party." *Jewel C. v. Dep't of Child Safety*, 244 Ariz. 347, ¶ 3 (App. 2018) (quoting *In re Pima Cty. Juv. Action No. B-9385*, 138 Ariz. 291, 293 (1983)). In the dependency action, the court entered no order, temporary or otherwise, affecting Lia's parental rights—it only dismissed the proceeding; the orders made in the dissolution action are not before us. In any event, even if Lia could identify a right denied or burden imposed by dismissal of the dependency,[1] "[i]t is well settled that ordinarily a consent judgment is not subject to appellate review." *Cofield v. Sanders*, 9 Ariz. App. 240, 242 (1969); *see also Dowling v. Stapely*, 221 Ariz. 251, ¶ 74 (App. 2009).

¶6 A party to a settlement may appeal the resulting judgment if that party did not consent to the judgment. *See Dowling*, 221 Ariz. 251, ¶ 74. But Lia has not meaningfully developed any such argument, asserting only that she must not have consented because the judgment was "one-sided." But again, the judgment appealed from here did nothing but dismiss the pending dependency. Accordingly, we do not address this issue further. *See State v. Bolton*, 182 Ariz. 290, 298 (1995) (insufficient argument on appeal waives claim).

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[1] Lia asserts that the dismissal deprived her of her right to reunification services. But, absent a pending dependency, no such right exists. *See* A.R.S. § 8-846(A).

¶7 We dismiss the appeal.